

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

LETICIA L. RIVAS,

Plaintiff,

v.

DOLLAR FINANCE COMPANY,

Defendant.

Case No. 1:21-cv-00375

Honorable Judge Randy Crane

**PLAINTIFF’S MOTION TO MODIFY SCHEDULING ORDER TO EXTEND  
PRETRIAL DEADLINES AND STRIKE TRIAL RELATED DEADLINES**

**NOW COMES** Leticia L. Rivas (“Plaintiff”), moving this Honorable Court for an order extending the pretrial deadlines and striking trial related deadlines, and in support thereof, stating the following:

1. On September 28, 2021, Plaintiff filed the instant case against Defendant seeking redress for violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*, and the Texas Debt Collection Act (“TDCA”), Tex. Fin. Code Ann. § 392 *et seq.* [Dkt. 1]
2. On December 8, 2021, the Court entered a Scheduling Order requiring the parties to submit pretrial motions by August 19, 2022. [Dkt. 17]
3. The Scheduling Order further set the following deadlines and dates:
  - a. Motions Hearing on September 16, 2022.
  - b. Joint Pretrial Order due by September 26, 2022.
  - c. Final Pretrial Conference on October 3, 2022.
  - d. Jury Selection on October 4, 2022.

4. As set forth extensively in Plaintiff's Motion to Compel Discovery ("Motion to Compel"), Defendant has repeatedly failed to respond to discovery. *See* Dkt. 24.

5. On August 19, 2022, Plaintiff filed a Motion to Extend Pretrial Motions Deadline ("Motion to Extend") seeking to extend the pretrial motion deadline through September 9, 2022. [Dkt. 26].

6. The extension of the pretrial deadline was needed as a direct result of Defendant's utter refusal to respond to Plaintiff's discovery requests. *Id.*

7. On August 22, 2022, the Court granted the Motion to Extend and extended the pretrial motion deadline through September 9, 2022. [Dkt. 27]

8. On August 30, 2022, the Court entered an Order (1) granting Plaintiff's Motion to Compel; (2) requiring Defendant to respond to the discovery within 14 days; (3) granting Plaintiff's request for her attorney's fees for having to compel discovery; and (4) requiring Plaintiff to submit a motion for attorney's fees by September 2, 2022. [Dkt. 28]

9. Defendant's refusal to respond to Plaintiff's discovery requests has significantly frustrated Plaintiff's ability to (1) effectively prosecute her case; (2) file a dispositive motion by the current pretrial motions deadline; and (3) meet all other pretrial deadlines set forth in the Scheduling Order.

10. Simply put, Defendant's refusal to respond to discovery and overall dilatory conduct in this case has wasted everyone's time and resources, and has significantly frustrated the efficient administration of this case.

11. As of today, Defendant has yet to respond to Plaintiff's discovery requests.

12. Plaintiff intends on using the evidence procured through Defendant's discovery responses to file a motion for summary judgment, which if granted, will render the trial deadlines moot.

13. Accordingly, Plaintiff is requesting that the Court extend (1) the pretrial motion deadline through October 12, 2022; and (2) the pretrial order deadline through November 2, 2022.

14. Plaintiff further requests that the Court strike (1) the Motions Hearing set for September 16, 2022, (2) the final pretrial conference set for October 3, 2022 and (3) the jury selection set for October 4, 2022 pending Plaintiff's forthcoming motion for summary judgment.

15. Based on the foregoing, there is good cause for the Court to grant the relief herein.

**WHEREFORE**, Plaintiff respectfully requests an order (1) extending the pretrial motion deadline through October 12, 2022; (2) extending the pretrial order deadline through November 2, 2022; (3) striking the Motions Hearing set for September 16, 2022; (4) striking the October 3, 2022 pretrial conference; and (5) striking the jury selection on October 4, 2022.

Dated: September 9, 2022

Respectfully Submitted,

/s/ Mohammed O. Badwan  
Mohammed O. Badwan  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Texas by using the CM/ECF system and that service will be accomplished by the CM/ECF system.

/s/ Mohammed O. Badwan